THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant(s):	Mark Bechmann
Appl. No.:	10/522,345
Conf. No.:	6320
Filed:	March 10, 2005
Title:	METHOD AND DATA SYSTEM FOR CONNECTING A WIRELESS LOCAL NETWORK TO A UMTS TERMINAL STATION
Art Unit:	2617
Examiner:	N. PATEL
Docket No.:	112740-1051

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

Sir:

I. INTRODUCTION

Appellants submit Appellants' Reply Brief in response to the Examiner's Answer dated April 15, 2008 pursuant to 37 C.F.R. § 41.41(a). Appellants respectfully submit the Examiner's Answer has failed to remedy the deficiencies with respect to the Final Office Action dated September 17, 2007 as noted in Appellants' Appeal Brief filed on March 17, 2008 for at least the reasons set forth below. Accordingly, Appellants respectfully request that the rejections of pending Claims 16-30 be reversed.

In response to the Examiner's "Response to Arguments" beginning on page 14, paragraph (10) of the Examiner's Answer, Appellants submit the following reply in addition to the remarks of record.

I. 35 USC 112, Second Paragraph, Rejection

The Examiner has withdrawn the rejection under 35 USC 112, second paragraph.

II. 35 USC 103 Rejections

A. Monitoring Network Activity

The Examiner continues to read the search for cells in Reddy to the monitoring of network activity. Appellants disagrees with this interpretation. The term "monitoring" is distinct from the term "search." Monitoring occurs when something is known to exist. For example, one can monitor activity on a wireless network to determine the activity. Searching, on the other hand, occurs when one is attempting to determine if something exists. For example, one can search for activity on a wireless network to see if the activity indeed exists (i.e. looking for something). However, the scope of the activity is not watched (i.e. monitored). Specifically, in Reddy, an initial cell search is performed and the mobile station camps on a cell determined by the search. However, no monitoring is performed since the system is unaware as to whether the cell exists (see, for example, paragraph [0032]). Moreover, the term "activity" (monitoring activity) requires that something is occurring or changing that can be monitored—in the instant invention monitoring activity of the wireless local network. In Reddy, on the other hand, searching for a cell to camp on requires the mobile station move into radio service of a respective cell. However, the cells are not "activity."

B. Following Successful Detection

Reddy fails to teach that information is sent due to activity of the network. Rather, the mobile station is active to enter the service area of a cell. This is different from the network being active.

C. Obviousness

Additionally, there is no reason why one having ordinary skill in the art would combine the references in the manner suggested in the Office Action. Reddy teaches that, once a device has successfully camped on a cell of a mobile network, an IP address is forwarded to an IP-based network capable of communicating with the mobile unit ([0032]), or the mobile unit has multi-network capabilities which allow it to communicate with an IP-based network and a cellular network at the same time ([0031]). Again, Reddy, does not disclose that the mobile unit monitors activity of the wireless local network using an existing connection, and instead, the mobile unit facilitates a cell search, and camps on the cell determined from the

search ([0027]). In contrast, Reddy discloses the updating of HLR databases for VLR's when devices are moving between registration areas. The Office Action fails to reconcile how the VLR's and "overflow" terminals would conceivably be utilized under the configuration of Reddy, which does not appear to utilize VLR's at all.

III. CONCLUSION

For the foregoing reasons, Appellants respectfully submit that the Examiner's Answer does not remedy the deficiencies noted in Appellants' Appeal Brief with respect to the Final Office Action. Appellants respectfully submit that the Patent Office has failed to establish a *prima facie* case of obviousness under 35 USC 103(a) with respect to the rejections of the claims. Accordingly, Appellants respectfully submit that the rejections are erroneous in law and in fact and should therefore be reversed by this Board.

No fee is due in connection with this Reply Brief. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112740-1051 on the account statement.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY _____
Kevin R. Spivak
Reg. No. 43,148
Customer No.: 29177
Phone: (202) 955-7007

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